



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
726 MINNESOTA AVENUE  
KANSAS CITY, KANSAS 66101

Site	Rose, Martha
ID #	MDP 980633069
Break:	17.1
Other:	9-4-97

September 4, 1997

Sheldon A. Zabel, Esquire  
Schiff, Hardin & Waite  
7200 Sears Tower  
Chicago, Illinois 60606-6473

Re: Martha C. Rose Chemicals Site  
Holden, Missouri  
Original Rose Chemicals Site Records

Dear Mr. Zabel:

This letter concerns the original PCB-contaminated Martha C. Rose Chemicals site records which are currently stored in the U.S. Environmental Protection Agency ("EPA") Region VII laboratory's hazardous waste storage facility in Kansas City, Kansas. The records are currently stored in twelve fifty-five gallon drums, along with one or two drums of PCB-contaminated transformer name plates. I believe the records are same records that were copied at the site in the Spring of 1986 by a Rose Chemical Steering Committee ("RCSC") contractor (possibly Clean Sites, Inc.). At that time, a duplicate set of the copied records were provided to EPA. After the copying, the original PCB-contaminated records were apparently turned over to either an FBI agent or EPA's criminal investigation office, and then subsequently transferred to the Region VII hazardous materials storage facility.

Over the course of the last several months, the Region VII laboratory has inquired about the possibility of disposing of the PCB-contaminated records and drum(s) of transformer plates in order to provide much needed storage space in the above-referenced facility. Upon discussing this matter with the U.S. Department of Justice, it was suggested that if the RCSC would agree not to contest the introduction of copies of the subject records in any future court proceedings, then EPA would be able to properly dispose of the contaminated records.

By this letter, EPA is requesting the RCSC acknowledge the need to properly dispose of the contaminated records and agree that, in the unlikely event of future litigation between the RCSC and the United States concerning matters related to the site, the RCSC would not contest under the Federal Rules of Evidence the introduction of any copy of such contaminated records in lieu of the original. If the RCSC is able to agree to the above, please respond accordingly.

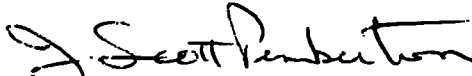


40027089  
SUPERFUND RECORDS



Your assistance in this matter is greatly appreciated. If you have any questions or wish to discuss this matter, please contact me at (913) 551-7276.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Pemberton". The signature is fluid and cursive, with the first name "J." and last name "Pemberton" clearly distinguishable.

J. Scott Pemberton  
Senior Assistant Regional Counsel

cc: Rachel Jacobson, Esquire  
U.S. Department of Justice